

## Information for 308 Permit Applicants

The 308 permit allows a short-term exemption from Montana surface water quality standards for application of a pesticide to state waters. State waters are defined as a body of water, irrigation system, or drainage systems, either surface or underground.

To acquire a 308 permit, the applicant must submit the following:

- A 308 permit application form
- A 308 supplemental information form

Both forms must be filled out completely in order to assure timely issuance of your authorization. Depending on the scope and complexity of your project, additional material may be necessary; these include a management plan, environmental assessment, or detailed site maps. Short-term authorizations *cannot* exceed one year from the date of issuance; therefore, it will be necessary for you to reapply for subsequent authorizations. The processing time for this application is typically 30-60 days.

A recent federal court decision (*Headwater v. Talent Irrigation District, ninth Circuit, March 12, 2001*) held that a National Pollutant Discharge Elimination System (NPDES) permit was necessary for these types of activities under the federal Clean Water Act. In Montana, NPDES permits are issued by the Department under the Montana Pollutant Discharge Elimination System Permit (MPDES) program. However, the Department does not issue MPDES permits for short-term application of pesticides. In Montana, an authorization is issued pursuant to Section 75-5-308 of the Montana Water Quality Act. Section 308 authorizes the Department to approve such exemptions for the control of nuisance aquatic organisms or to eliminate undesirable or nonnative aquatic species.

The Montana Water Quality Act (MWQA) requires that the Department assess fees in order to cover the cost of issuing permits, licenses and certifications, including 308 authorizations. The application fee for a 308 authorization is \$250. Because these are short-term authorizations there is no annual fee; however, the owner or operator must reapply annually.

If you have questions, please contact the Department of Environmental Quality at: (406) 444-3080.